

# EXHIBIT 3

CONFIDENTIAL

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ASETEK DANMARK A/S, )  
 )  
 Plaintiff and )  
 Counterdefendant, )  
 )  
 VS. ) CASE NO.  
 ) 3:19-CV-00410-EMC  
 COOLIT SYSTEMS, INC., )  
 )  
 Defendant and Counterclaimant. )  
 )  
 COOLIT SYSTEMS USA INC. COOLIT )  
 SYSTEMS ASIA PACIFIC LIMITED, )  
 COOLIT SYSTEMS (SHENZHEN) CO., )  
 LTD., )  
 )  
 Defendants, )  
 )  
 CORSAIR GAMING, INC. and )  
 CORSAIR MEMORY, INC., )  
 )  
 Defendants. )

REMOTELY CONDUCTED VIDEOTAPED DEPOSITION OF  
 DAVID B. TUCKERMAN, PH.D.  
 Lake Stevens, Washington (Witness' location)  
 Friday, March 18, 2022

Reported by:  
 LYDIA ZINN  
 RPR, FCRR, CSR No. 9223  
 Job No. SF 5137947  
 PAGES 1 - 103

Page 1

## CONFIDENTIAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ASETEK DANMARK A/S, )  
)  
Plaintiff and )  
Counterdefendant, )  
)  
VS. ) CASE NO.  
) 3:19-CV-00410-EMC  
COOLIT SYSTEMS, INC., )  
)  
Defendant and Counterclaimant. )  
)  
COOLIT SYSTEMS USA INC. COOLIT )  
SYSTEMS ASIA PACIFIC LIMITED, )  
COOLIT SYSTEMS (SHENZHEN) CO., )  
LTD., )  
)  
Defendants, )  
)  
CORSAIR GAMING, INC. and )  
CORSAIR MEMORY, INC., )  
)  
Defendants. )  
)

Remotely conducted videotaped deposition of  
DAVID B. TUCKERMAN, PH.D., taken on behalf of  
Defendant/Counterclaimants COOLIT SYSTEMS USA INC.  
COOLIT SYSTEMS ASIA PACIFIC LIMITED, COOLIT SYSTEMS  
(SHENZHEN) CO., LTD., CORSAIR GAMING, INC. and CORSAIR  
MEMORY, INC., at Lake Stevens, Washington, beginning at  
2:17 p.m. and ending at 5:59 p.m., on Friday, March 18,  
2022, before LYDIA ZINN, Certified Shorthand Reporter  
No. 9223.

CONFIDENTIAL

1 APPEARANCES:

2 For Plaintiff/Counterdefendant Asetek Danmark A/S:

Finnegan, Henderson, Farabow

3 Garrett & Dunner LLP

Stanford Research Park

4 3300 Hillview Avenue, 2nd Floor

Palo Alto, CA 94304-1203

5 (650) 849-6600

arpita.bhattacharyya@finnegan.com

6 BY: ARPITA BHATTACHARYYA

7 For Defendant/Counterclaimant CoolIT Systems, Inc.; and

Defendants CoolIT Systems USA, Inc., CoolIT Systems

8 Asia Pacific Limited, CoolIT Systems (Shenzhen) Co.,

Ltd.; Corsair Gaming Inc., and Corsair Memory, Inc.:

9 Cooley LLP

3175 Hanover Street

10 Palo Alto, CA 94304-1130

(650) 843-5000

11 rchen@cooley.com

12 BY: REUBEN CHEN

Greenberg Traurig, LLP

13 1900 University Avenue, 5th Floor

East Palo Alto, CA 94303

14 (650) 289-7887

kchen@gtlaw.com

15 BY: KYLE D. CHEN

16  
17 Also Present:

18 Grant Cihlar, Videographer, Veritext

19

20

21

22

23

24

25

## CONFIDENTIAL

1	I N D E X	
2	Friday, March 18, 2022	
3	WITNESS	PAGE
4	DAVID B. TUCKERMAN, PH.D.	
	(SWORN)	7
	Examination by Mr. Reuben Chen	8
5		
6	EXHIBITS MARKED FOR IDENTIFICATION	PAGE
	EXHIBIT 362 US Patent Application	
7	Publication US 2007/0163750	
	(Bhatti)	
8	ASE-CLT00044399 to -00044405	73
9	EXHIBIT 363 Judgment re: IPR2020-00825,	
	Patent 10,274,266 (49 pages)	76
10		
	EXHIBIT 364 US Patent Application	
11	Publication US 2006/0096738	
	(Kang)	
12	ASE-CLT00044566 to -00044574	77
13	EXHIBITS PREVIOUSLY MARKED	PAGE
	EXHIBIT 259 Expert Report of Dr. David B.	
14	Tuckerman Regarding	
	Invalidity of US Patent Nos.	
15	8,746,330; 9,603,284; and	
	8,274,266 (75 pages)	8
16		
	EXHIBIT 259A Invalidity Claim Charts I and	
17	II for US Patent No. 8,746,330	
	(80 pages_	8
18		
	EXHIBIT 259B Invalidity Claim Charts I	
19	through IV for US Patent No.	
	9,603,284 (77 pages)	8
20		
	EXHIBIT 259C Invalidity Claim Chart for	
21	US Patent No. 10,274,266	
	(13 pages)	8
22		
	EXHIBIT 259D Curriculum Vitae	8
23		
	EXHIBIT 259E Materials Considered in	
24	Preparation of Invalidity	
	Expert Report	8
25		

CONFIDENTIAL

1	EXHIBITS PREVIOUSLY MARKED	PAGE
2	EXHIBIT 259F Photos of CoolIT and Asetek products	8
3	EXHIBIT 265 US Patent No. 10,274,266 (Lyon)	31
4		
5	EXHIBIT 266 Rebuttal Expert Report of Dr. David B. Tuckerman Regarding Non-Infringement of US Patent Nos. 8,746,330; 9,603,284; AND 10,274,266	43
6		
7	EXHIBIT 272 US Patent No. 7,259,965 (Chang)	
8	ASE-CLT00044420 to -00044443	33
9		
10	EXHIBIT 273 US Patent No. 5,998,240 (Hamilton)	
11	ASE-CLT00044523 to -00044537	36
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

CONFIDENTIAL

1 Lake Stevens, Washington

2 Friday, March 18, 2022, 2:17 p.m.

3 THE VIDEOGRAPHER: Good afternoon. We're  
4 going on the record. The time is 2:17 p.m. Pacific on  
5 Friday, March 18th, 2022. Please note that the  
6 microphones are sensitive and may pick up whispering  
7 private conversations and cellular interference.

2:17:56PM

8 Please turn off all cell phones or place them away from  
9 the microphones, as they can interfere with the  
10 deposition audio. Audio and video recording will  
11 continue to take place, unless all parties agree to go  
12 off the record.

2:18:13PM

13 This is media unit one of the video-recorded  
14 deposition of Dr. David Tuckerman taken by counsel for  
15 plaintiff in the matter of Asetek Danmark A/S versus  
16 CoolIT Systems Incorporated, filed in the United States  
17 District Court, Northern District of California. The  
18 Case Number is 19-00410-EMC.

2:18:29PM

19 This deposition is being held via remote  
20 proceeding California Veritext virtual Zoom, with all  
21 participants appearing remotely. My name is  
22 Grant Cihlar from the firm Veritext, and I'm the  
23 videographer. The court reporter is Lydia Zinn, from  
24 the firm Veritext. I am a notary public. I am not  
25 related to any party in this action, nor am I

2:18:53PM

2:19:13PM

Page 6

CONFIDENTIAL

1 financially interested in the outcome. 2:19:16PM

2 Counsel and all present will now state their  
3 appearances and affiliations for the record. If there  
4 are any objections to proceeding, please state them at  
5 the time of your appearance, beginning with the 2:19:27PM  
6 untiling attorney.

7 MR. REUBEN CHEN: This is Reuben Chen from  
8 the law firm Cooley LLP on behalf of CoolIT and  
9 Corsair.

10 And just a point of clarification: I'll be the 2:19:40PM  
11 taking attorney. And I'm representing the defendant  
12 and counterclaimant, CoolIT. And with me is also  
13 Dr. Kyle Chen of the Greenberg firm.

14 MS. BHATTACHARYYA: Arpita Bhattacharyya from  
15 Finnegan law firm. And I'm on behalf of the plaintiff, 2:19:58PM  
16 Asetek Danmark A/S, and witness, Dr. David Tuckerman.

17 THE VIDEOGRAPHER: Thank you. I stand  
18 corrected on that.

19 Will the court reporter please swear in the  
20 witness. 2:20:12PM

21 DAVID TUCKERMAN, PH.D.,  
22 called as a witness by the Defendant, having been duly  
23 sworn, testified as follows:

24 THE WITNESS: Yes, I affirm.

25 ///// ///// 2:20:29PM

Page 7

## CONFIDENTIAL

1 EXAMINATION 2:20:30PM

2 BY MR. REUBEN CHEN:

3 Q Good afternoon, Dr. Tuckerman.

4 A Good afternoon.

5 Q The same procedures that we followed in your prior 2:20:34PM

6 deposition will apply to today's deposition, so I won't

7 repeat them, other than to ask whether there are any

8 conditions or factors that would prevent you from

9 giving accurate and complete testimony today, such as

10 being under the influence of any medications or 2:20:52PM

11 substances.

12 A No, there's nothing like that.

13 MR. REUBEN CHEN: Great. Let's introduce

14 into the record your Invalidity Report, which are

15 Exhibits 259, along with their exhibits, which have 2:21:13PM

16 been marked as Exhibits 259A through F.

17 (Deposition Exhibits 259, 259A, 259B, 259C, 259D, 259E,

259F previously marked for identification.)

18 BY MR. REUBEN CHEN:

19 Q And at any time during any questions that I ask

20 you today, feel free to refer to your report if you 2:21:30PM

21 need to, Dr. Tuckerman.

22 A Thank you.

23 Q Okay. So I'll begin by asking you some further

24 questions about the channels in the Antarctica device.

25 You testified during prior deposition that you did not 2:21:44PM

CONFIDENTIAL

1 Please -- 2:25:46PM

2 MS. BHATTACHARYYA: He -- he has the topics.

3 He got the ten topics.

4 MR. REUBEN CHEN: Please, please limit your

5 statements to objections or instructions not to answer 2:25:53PM

6 questions.

7 MS. BHATTACHARYYA: You can ask your

8 question.

9 BY MR. REUBEN CHEN:

10 Q Dr. Tuckerman -- Dr. Tuckerman, I will repeat my 2:26:00PM

11 question.

12 A Okay.

13 Q You did not include any evidence of measurements

14 of the channels of the Antarctica device in your

15 report. Correct? 2:26:13PM

16 A Are you referring to the --

17 MS. BHATTACHARYYA: Objection. Out --

18 mischaracterizes prior testimony, Dr. Tuckerman's

19 report. Outside the scope of this deposition.

20 THE WITNESS: Are -- now, which report are 2:26:27PM

21 you referring to here? Are you referring to the report

22 that's in -- that's Exhibit 259 or...

23 BY MR. REUBEN CHEN:

24 Q Yes, your Invalidity Report, Dr. Tuckerman.

25 A Okay. So... 2:26:39PM

Page 13

CONFIDENTIAL

1 Q This would be paragraph 57 of your report. 2:26:49PM

2 A Ah, thank you. That speeds things up. Okay.

3 So I... Okay. So I'm saying space between  
4 adjacent fins is about 0.9 to 1.0 millimeters. And,  
5 while I don't specify that here, I deposed -- I was 2:27:24PM

6 deposed previously on this, and indicated that I took  
7 measurements with calipers at the bottoms of the  
8 microchannels on July 5th -- I think it was -- and  
9 got -- didn't get any measurements above 1.0. And they  
10 were all .9-something. But that -- that's about all. 2:27:47PM

11 I mean, I didn't.

12 Q And you testified that you did not submit any  
13 evidence of the measurements that you took in your  
14 report. Correct?

15 MS. BHATTACHARYYA: Objection. 2:28:07PM  
16 Mischaracterizes prior testimony. Outside the scope of  
17 this deposition.

18 THE WITNESS: Well, I mean, my assertion was  
19 based on having done these measurements. So, I mean...

20 BY MR. REUBEN CHEN: 2:28:25PM

21 Q Right, but listen to the question. The question  
22 is: Did you submit any evidence of the measurements  
23 that you took and included that evidence in your  
24 report?

25 MS. BHATTACHARYYA: Same objections. 2:28:35PM

Page 14

CONFIDENTIAL

1 THE WITNESS: I took some measurements. And 2:28:42PM  
2 I reported that they were between .9 and 1.0. And  
3 that -- that's all I did.

4 BY MR. REUBEN CHEN:

5 Q But do you have any evidence that you submitted in 2:28:53PM  
6 your report that reflects that you took those  
7 measurements?

8 MS. BHATTACHARYYA: Objection. Outside the  
9 scope of this deposition. Mischaracterizes prior  
10 testimony and the report. 2:29:06PM

11 BY MR. REUBEN CHEN:

12 Q Dr. Tuckerman, you testified under oath previously  
13 that you did not take any pictures of the measurements  
14 that you allegedly took. Correct?

15 MS. BHATTACHARYYA: Objection. 2:29:21PM  
16 Mischaracterizes prior testimony. Mischaracterizes  
17 report. Outside the scope of this deposition.

18 THE WITNESS: I don't remember what my exact  
19 words were. I did not keep records of the  
20 measurements, if that's what you mean. I don't know 2:29:37PM  
21 exactly what words I used.

22 BY MR. REUBEN CHEN:

23 Q Right. So there are no records of your  
24 measurements that are included in your report.  
25 Correct? 2:29:46PM

Page 15

CONFIDENTIAL

1 MS. BHATTACHARYYA: Same objections. 2:29:48PM

2 THE WITNESS: I didn't think it was necessary

3 at the time. I mean, it -- I wasn't asked to do that.

4 BY MR. REUBEN CHEN:

5 Q Okay. Now, after your report was submitted but 2:29:58PM

6 before you were deposed in December of 2021, you

7 reviewed a document provided by Asetek's counsel that

8 allegedly discussed a machining tool. Correct?

9 MS. BHATTACHARYYA: Objection. Outside the

10 scope of this deposition. 2:30:17PM

11 Mr. Reuben, I'm going to suspend this deposition

12 now.

13 Which -- which topic are you referring to? You

14 had ten topics in your deposition. What are you

15 talking about? 2:30:26PM

16 MR. REUBEN CHEN: Let's go off the record.

17 Let's go off the record, because you're -- you're

18 eating up time by being --

19 MS. BHATTACHARYYA: Then go off the record

20 and discuss -- 2:30:32PM

21 MR. REUBEN CHEN: Let's go off the record.

22 Let's go off the record.

23 MS. BHATTACHARYYA: Okay.

24 THE VIDEOGRAPHER: We are going off the

25 record. The time is 2:30 p.m. Pacific. And this is 2:30:36PM

Page 16

CONFIDENTIAL

1 the end of media unit one. 2:30:40PM

2 (Discussion off the record.)

3 THE VIDEOGRAPHER: We're going back on the

4 record. The time is 3:13 p.m., and this is the

5 beginning of media unit two. Please continue. 3:13:16PM

6 MR. REUBEN CHEN: Thank you.

7 Q. Dr. Tuckerman, after your Expert Report was

8 submitted, but before being deposed, you reviewed a

9 document provided by Asetek's counsel that allegedly

10 discussed a machining tool. Correct? 3:13:34PM

11 MS. BHATTACHARYYA: Objection. Outside the

12 scope of the topics provided for this deposition.

13 THE WITNESS: I do recall that, yes.

14 BY MR. REUBEN CHEN:

15 Q And was it Ms. Bhattacharyya that showed you that 3:13:49PM

16 document?

17 MS. BHATTACHARYYA: Same objection.

18 Mischaracterizes prior testimony.

19 THE WITNESS: I saw a -- Ms. Bhattacharyya

20 showed me a document with a -- with a blade, and -- and 3:14:04PM

21 a measurement of the blade.

22 BY MR. REUBEN CHEN:

23 Q Do you recall when you review --

24 MS. BHATTACHARYYA: Dr. Tuckerman, I caution

25 you -- Dr. Tuckerman, I caution you to not reveal 3:14:15PM

Page 17

CONFIDENTIAL

1 discussions with counsel. 3:14:20PM

2 THE WITNESS: Okay. Yes.

3 BY MR. REUBEN CHEN:

4 Q Did you recall when you reviewed that document?

5 A Not exactly, no. 3:14:28PM

6 Q Was it in December of 2021?

7 MS. BHATTACHARYYA: Same objections.

8 THE WITNESS: I don't know.

9 BY MR. REUBEN CHEN:

10 Q Okay. Was it as part of preparing for your 3:14:41PM

11 deposition in December of 2021?

12 MS. BHATTACHARYYA: Same objections.

13 THE WITNESS: Well, as I recall, the -- this

14 issue came up and -- of, you know, what -- what were

15 the dimensions. 3:15:10PM

16 So, I mean -- I mean, what was -- what was the

17 question again? Sorry.

18 MR. REUBEN CHEN: That's okay. I'll move on

19 to the next one.

20 THE WITNESS: Yeah. 3:15:21PM

21 BY MR. REUBEN CHEN:

22 Q Is that document written in Danish?

23 A Yeah. As I recall, it was.

24 Q And you don't read Danish. Correct?

25 A I -- I do not. 3:15:35PM

Page 18

CONFIDENTIAL

1 Q Did someone translate that document for you? 3:15:36PM  
2 A Nobody translated it for me.  
3 Q To your knowledge, does Ms. Bhattacharyya read  
4 Danish?  
5 A I would not know. 3:15:50PM  
6 MS. BHATTACHARYYA: Objection. Calls for  
7 speculation.  
8 THE WITNESS: I would not know one way or the  
9 other.  
10 BY MR. REUBEN CHEN: 3:15:58PM  
11 Q Okay. So you don't know for certain that the  
12 document discusses a machining tool used to create  
13 Antarctica. Correct?  
14 MS. BHATTACHARYYA: Objection. Calls for  
15 speculation. Foundation. 3:16:07PM  
16 THE WITNESS: It --  
17 MS. BHATTACHARYYA: And objection. Outside  
18 the scope of the deposition topics.  
19 THE WITNESS: It -- as I recall, it was  
20 represented as having been provided by Asetek to 3:16:31PM  
21 counsel as being the blade or a blade that -- that was  
22 used for machining of Antarctica.  
23 BY MR. REUBEN CHEN:  
24 Q Who made those representations to you?  
25 MS. BHATTACHARYYA: Objection. Outside the 3:16:51PM

Page 19

CONFIDENTIAL

1 scope of the deposition topics. 3:16:52PM

2 I will caution Dr. Tuckerman not to reveal

3 contents of discussions with counsel.

4 MR. REUBEN CHEN: I'm not asking for the

5 content. I'm asking who. 3:17:02PM

6 MS. BHATTACHARYYA: Same. Same objections.

7 The -- the question calls for privileged information.

8 MR. REUBEN CHEN: I disagree with that.

9 Are you instructing the witness not to answer?

10 MS. BHATTACHARYYA: I instruct the witness 3:17:13PM

11 not to answer any questions of discussions with

12 counsel.

13 BY MR. REUBEN CHEN:

14 Q Same question, then. Who --

15 MS. BHATTACHARYYA: Same -- 3:17:22PM

16 BY MR. REUBEN CHEN:

17 Q. Who represented to you that the document discusses

18 the machining tool used to create Antarctica?

19 MS. BHATTACHARYYA: I will instruct the

20 witness not to answer the question. It calls for 3:17:33PM

21 information that is protected under Rule 26.

22 MR. REUBEN CHEN: I disagree, and so I'll

23 just reserve my right to redepose Dr. Tuckerman to ask

24 him that -- that specific question.

25 Q Dr. Tuckerman, were you ever shown the entire 3:17:47PM

Page 20

CONFIDENTIAL

1 document, or just a picture of one page of that 3:17:49PM  
2 document?  
3 A I -- I saw only one -- that one page.  
4 Q A picture of that one page?  
5 MS. BHATTACHARYYA: Objection. 3:18:04PM  
6 Mischaracterizes exhibits and prior testimony.  
7 THE WITNESS: Well, yeah. I mean, I didn't  
8 have the physical page. It was, you know, a JPG or  
9 whatever.  
10 BY MR. REUBEN CHEN: 3:18:17PM  
11 Q You didn't have the physical document in front of  
12 you. There was just a JPEG of one page of the  
13 document. Is that -- is that accurate?  
14 MS. BHATTACHARYYA: Objection. Objection.  
15 Mischaracterizes prior -- mischaracterizes the record 3:18:26PM  
16 and prior testimony.  
17 THE WITNESS: I mean, I don't -- I don't know  
18 if it was a JPEG. I -- I was shown an image that  
19 appeared to be from a machining manual.  
20 BY MR. REUBEN CHEN: 3:18:51PM  
21 Q So there was an image of one page of a document --  
22 correct? -- that you reviewed?  
23 MS. BHATTACHARYYA: Objection. Outside the  
24 scope of deposition topics. Mischaracterizes prior  
25 testimony and exhibits from prior depositions. 3:19:03PM

Page 21

CONFIDENTIAL

1 Mischaracterizes the record. 3:19:07PM

2 THE WITNESS: That's what it appeared to be.

3 BY MR. REUBEN CHEN:

4 Q Okay. But you never reviewed the entire document.

5 Correct? 3:19:16PM

6 MS. BHATTACHARYYA: Objection. Foundation.

7 Outside the scope of the deposition.

8 THE WITNESS: I was shown that one page.

9 BY MR. REUBEN CHEN:

10 Q Okay. And it wouldn't have mattered anyway, 3:19:29PM

11 because you don't read Danish. Right?

12 MS. BHATTACHARYYA: Objection. Outside the

13 scope of the deposition.

14 THE WITNESS: As I said, it was represented

15 to me that that was the blade that was -- that -- a 3:19:48PM

16 blade that had been used in Antarctica.

17 BY MR. REUBEN CHEN:

18 Q And there was an alleged measurement of the

19 machining tool. Correct?

20 MS. BHATTACHARYYA: Objection. 3:19:35PM

21 Mischaracterizes exhibit. Prior testimony. Outside

22 the scope of the deposition topics.

23 THE WITNESS: So the picture showed the tool

24 being measured with -- with calipers. The width. The

25 blade width it showed. 3:20:21PM

Page 22

CONFIDENTIAL

1 BY MR. REUBEN CHEN: 3:20:24PM

2 Q Do you know who measured the machining tool?

3 MS. BHATTACHARYYA: Same objections.

4 THE WITNESS: I do not.

5 BY MR. REUBEN CHEN: 3:20:31PM

6 Q You did not measure the machining tool. Correct?

7 A No, I never laid hands on the tool.

8 Q Do you know how the machining tool was measured?

9 MS. BHATTACHARYYA: Same objections.

10 THE WITNESS: It was -- it appeared to be, 3:20:48PM

11 from the picture, measured in a very conventional

12 manner, the same way I would have measured it, which

13 was to put it in calipers, and -- and measure it.

14 BY MR. REUBEN CHEN:

15 Q Do you know that for certain; that a caliper was 3:21:04PM

16 used to measure the machining tool?

17 MS. BHATTACHARYYA: Same objections.

18 THE WITNESS: Well, I mean, I don't have the

19 image in front of me, but unless I'm recalling wrongly,

20 there was a pair of digital calipers clamped on the -- 3:21:24PM

21 on the blade, you know. So it -- it -- that was how

22 anyone of ordinary skill in the art would have made

23 that sort of measurement.

24 BY MR. REUBEN CHEN:

25 Q Now, as a matter of physics and manufacturing 3:21:47PM

Page 23

CONFIDENTIAL

1 practice, an actual channel in Antarctica is going to 3:21:50PM  
2 be wider than the width of the component in the  
3 machining tool used to create that channel. Correct?

4 MS. BHATTACHARYYA: Objection. Outside the  
5 scope of the deposition topics. Foundation. 3:22:07PM  
6 Mischaracterizes the record.

7 THE WITNESS: So generally with that type of  
8 machining with blades, you -- you get a taper. Okay?  
9 There's blade wobble, and such. And you -- you know,  
10 you get something that's wider at the top than at the 3:22:31PM  
11 bottom.

12 At the bottom you would expect to get -- you know,  
13 either exactly the blade width, or if the blade has  
14 worn, you know, because when blades have been used for  
15 a while they can, you know, get -- get narrower, maybe 3:22:48PM  
16 it would be even less. But you know, that -- like I  
17 say, you get a taper. And you're going to get -- you  
18 know, I think I kind of answered that.

19 BY MR. REUBEN CHEN:

20 Q Now, just to be clear, you testified that it was 3:23:20PM  
21 represented to you that the document discusses the  
22 machining tool used to create Antarctica. Correct?

23 MS. BHATTACHARYYA: Same objections.

24 THE WITNESS: Not -- not necessarily that  
25 particular Antarctica unit; but I mean, it -- it was 3:23:45PM

Page 24

CONFIDENTIAL

1 represented as a -- a machining tool that was used in 3:23:50PM  
2 the production of Antarcticas. There's -- there was no  
3 representation made that that particular tool was used  
4 on that particular Antarctica. As I think I mentioned  
5 in the past, for all I know it was -- you know, maybe 3:24:08PM  
6 it was an out-of-spec unit.

7 I mean, who -- you know, it was -- it was just one  
8 physical sample that I measured. And I was mainly just  
9 concerned that, you know, it -- it wasn't grossly out  
10 of line on dimensions. So I put the calipers in; made 3:24:25PM  
11 the measurements.

12 None of them that I measured were above  
13 1 millimeter. And I was -- I was satisfied.

14 BY MR. REUBEN CHEN:

15 Q So your opinion that Antarctica has channels that 3:24:41PM  
16 are between 0.9 to 1 millimeters -- are you relying on  
17 the representation that the document in Danish  
18 discusses the machining tool that was used to create  
19 Antarctica?

20 MS. BHATTACHARYYA: Objection. Outside the 3:25:08PM  
21 scope of the deposition topics. Mischaracterizes prior  
22 deposition testimony.

23 THE WITNESS: So the -- the only thing I can  
24 actually assert about the dimensions of that particular  
25 Antarctica were the measurements that I took on that 3:25:37PM

Page 25

CONFIDENTIAL

1 particular sample, which I measured with calipers at 3:25:43PM  
2 the base of the samples, and got numbers that were  
3 close to but not in excess of 1 millimeter.

4 The other information, you know, about the blade I  
5 just viewed as plausible corroboration that that's a 3:26:04PM  
6 blade that was used in Antarctica machining, and  
7 therefore that you would expect that the channel widths  
8 would be the order of a millimeter from that sort of  
9 blade. And so it -- it kind of tied, but I certainly  
10 wasn't taking anyone's word for -- for that. 3:26:36PM

11 Like I say, I didn't -- you know, I was asked in  
12 the deposition about it. And I believe -- you know, I  
13 don't remember exactly what I said, but the -- it -- it  
14 seemed very plausible that that kind of blade would  
15 have been used to make the structure -- to make the 3:26:58PM  
16 structures that I measured on that Antarctica sample.

17 But the only thing I can factually assert to you  
18 is I made measurements at the bases of the channels on  
19 that Antarctica with calipers; did not get any  
20 measurements above 1 millimeter. But they were very 3:27:17PM  
21 close, you know. Nine-something. So...

22 BY MR. REUBEN CHEN:

23 Q. Are you relying on what you call the "plausible  
24 corroboration" of that document for your ultimate  
25 opinion that Antarctica's channels satisfy the 3:27:31PM

Page 26

CONFIDENTIAL

1 I, the undersigned, a Certified  
2 Shorthand Reporter of the State of California, do  
3 hereby certify:

4 That the foregoing proceedings were taken before  
5 me at the time and place herein set forth; that any  
6 witnesses in the foregoing proceedings, prior to  
7 testifying, were placed under oath; that a verbatim  
8 record of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; further, that the foregoing is an accurate  
11 transcription thereof.

12 I further certify that I am neither financially  
13 interested in the action nor a relative or employee of  
14 any attorney or any of the parties.

15 IN WITNESS WHEREOF, I have this date subscribed my  
16 name.

17  
18 Dated: March 22, 2022  
19  
20  
21

22 

23 LYDIA ZINN, RPR, FCRR

24 CSR No. 9223  
25

Page 100